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## NOTICE OF ALLOWANCE AND FEE(S) DUE

33097

7590

09/30/2009

LESVICH HIGH-TECH LAW GROUP, P.C.  
SUITE 325  
39 S. LASALLE STREET  
CHICAGO, IL 60603

EXAMINER

NGUYEN, TRAN N

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 09/30/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,976	10/24/2003	David E. Stern	02.104-A	1707

TITLE OF INVENTION: METHOD AND SYSTEM FOR AUTOMATED MEDICAL RECORDS PROCESSING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$0	\$0	\$755	12/30/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

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If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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32067 7590 09/30/2009

**LESAVICH HIGH-TECH LAW GROUP, P.C.**  
**SUITE 325**  
**39 S. LASALLE STREET**  
**CHICAGO, IL 60603**

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,976 10/24/2003

David E. Stern

02.104-A

1707

**TITLE OF INVENTION: METHOD AND SYSTEM FOR AUTOMATED MEDICAL RECORDS PROCESSING**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$0	\$0	\$755	12/30/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, TRAN N	3626	705-002000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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LESAVICH HIGH-TECH LAW GROUP, P.C.  
SUITE 325  
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CHICAGO, IL 60603

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1455 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1455 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/692,976

**Applicant(s)**

STERN ET AL.

**Examiner**

Tran Nguyen

**Art Unit**

3626

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed 06/19/2009.
2. ☒ The allowed claim(s) is/are 2,4-11,14 and 34-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/T. N./  
Examiner, Art Unit 3626

/C. Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626

**DETAILED ACTION**

***Notice to Applicant***

This communication is in response to the communication filed 06/19/2009.

Pending claim(s): 2, 4-11, 14, 34-40. Cancelled claim(s): 1, 3, 12-13, 15-33. New claim(s): 36-40. Amended claim(s): 2, 4-11, 14, 34-35.

***Response to Amendment***

As per the Office Action mailed 02/03/2009:

The rejection of claims 1, 3-14, 15, 17-20, 22-28, 30-32, 34-35 under 35 USC 101 is hereby withdrawn in view of Applicant's cancellation of claims 1, 3, 12-13, 15, 17-20, 22-28, 30-32.

On page 12 of the Remarks filed 06/09/2009 Applicant asserts:

The Examiner asserted the Applicant's specification included registered trademarks. The Applicant is unsure how to respond to this assertion. Respectfully, clarification is requested from the Examiner.

Trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with LESAVICH, STEPHEN on 09/11/2009.

The application has been amended as follows:

Please amend element (a) of claim 36 as follows:

(a) creating on a network device with one or more processors and one or more associated databases, one or more different medical templates capable of being used to enter information from an encounter with a patient, wherein the one more medical templates comprise a plurality of data fields comprising:

Please replace claim 37 with the following amended claim:

37. (Currently Amended) A system for processing medical records on a plurality of network devices each with one or more processors, comprising in combination:

~~means~~ a first network device for:

~~creating on the network device with one or more processors and one or more associated databases;~~ one or more different medical templates capable of being used to enter patient encounter information, wherein the one or more medical templates comprise a plurality of data fields comprising:

- (i) patient history data;
- (ii) patient physical condition data;
- (iii) summary information;
- (iv) existing patient history information;
- (v) complexity risk coding information;

~~means for printing~~ on the first network device the one or more different medical templates on paper forms;

~~means~~ entering patient encounter information from a patient encounter into the plurality of data fields by writing on the paper forms with a writing utensil, thereby creating completed paper forms;

~~means for~~ a second network device with one or more associated databases for:

scanning the completed paper forms ~~into the network device;~~

for digitizing the completed paper forms by:

(i) identifying from the network device a plurality of locations of data fields on the completed paper forms;

(ii) performing optical character recognition on the second network device on data created with the writing utensil at each of the plurality of identified locations of the data fields;

~~means for~~ aggregating the recognized data into an electronic patient medical record and storing the electronic patient medical record on the second network device;

~~means for~~ determining on the second network device with the stored electronic patient medical record for the patient encounter represented by the paper forms:

(i) medical and billing codes;

(ii) legal compliance for medical treatment provided to the patient during the patient encounter;

(iii) an appropriateness of care based on the stored patient data and the medical treatment provided during the patient encounter;

(iv) a physician practice profile by aggregating data for a particular physician; and

(v) data for use in research studies;

~~means for~~ generating one or more electronic templates from the stored electronic medical record on the second network device; and

~~means for~~ displaying the scanned paper forms, the stored electronic medical record and the generated one or more electronic templates on a graphical user interface (GUI) on the second network device.



**Statutory Subject Matter - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As per claim 36, based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *In re Bilski et al*, 88 USPQ 2d 1385 AFCE (2008); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Claim 36 recites a method comprising a plurality of manually performed steps. Namely, steps (b-c) are performed manually. These steps are considered to be non-essential steps performed peripherally by the claimed method.

Nonetheless, the remaining steps of the claim require the particulars of a statutory machine, i.e. a "network device with one or more processors". These steps are considered to be the essential steps of the claim.

Therefore, the essential steps of claim 36 require the particulars of a statutory machine, the claim passes the "machine" prong of the "machine or transformation", and the claim is found to be directed towards statutory subject matter.

As per claim 2, this claim recites a "computer readable medium" capable of performing the method of claim 1. Therefore, claim 2 is considered to be a statutory article of manufacture.

All claims dependent on claim 36, namely claims 4-11, 14, 36, 38-40, are found to be directed towards statutory subject matter for at least the same rationale as applied to parent claim 36 above, and incorporated herein.

As per claim 37, this claim recites a "system" comprising plurality of "network device" limitations.

Therefore, the claim is found to be directed towards a statutory machine.

All claims dependent thereon, namely claims 34-35, are also found to be directed towards statutory subject matter as applied above, and incorporated herein.

***Written Description - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

MPEP 2163(I)(B) reads as follows:

"While there is no *in haec verba* requirement, **newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure**".

MPEP 2163.02 reads as follows:

"An applicant shows possession of the claimed invention by **describing the claimed invention with all of its limitations** using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997)".

To preserve Applicant's claim for priority, support may be found in the specification as originally filed on 10/29/2002 in application 60422083.

Claim 36 recites:

36. (New) A method of processing medical records, comprising:

The specification discloses (page 4):

In accordance with preferred embodiments of the present invention, some of the problems associated with medical records are overcome. A method and system for automated medical records is presented.

Claim 36 further recites:

(a) creating on a network device with one or more processors and one or more associated databases, one or more different medical templates capable of being used to enter information from an encounter with a patient, wherein the one more medical templates comprise a plurality of data fields comprising:

- (i) patient history data;
- (ii) patient physical condition data;
- (iii) summary information;
- (iv) existing patient history information; and
- (v) complexity risk coding information;

The specification discloses (page 9):

The plural fields include HX 32, PX 34 and CX 36 fields. The plural fields also include a FINAL E/M 38 field. However, the present invention is not limited to such fields, and more, fewer or other fields can also be used to practice the present invention.

The HX 32 field includes existing patient History coding information. The PX 34 field includes Physical condition coding information. The CX 36 field includes Complexity risk coding information. The FINAL E/M 38 field includes summary information.

It is noted that the HX field may also considered to be "existing patient history information" and "patient physical condition data".

Claim 36 further recites:

- (b) printing the one or more different medical templates on paper forms;
- (c) entering patient encounter information from a patient encounter into the plurality of data fields by writing on the paper forms with a writing utensil, thereby creating completed paper forms;

- (d) scanning the completed paper forms into the network device;
- (e) digitizing the completed paper forms by:
  - (i) identifying from the network device a plurality of locations of data fields on the completed paper forms; and
  - (ii) performing optical character recognition on the network device on data created with the writing utensil at each of the plurality of identified locations of the data fields;
- (f) aggregating the recognized data into an electronic patient medical record and storing the electronic patient medical record on the network device;
- and

The specification discloses (page 10):

After Step 44, the internal data structure fields may include portions of digital  
10 images the original medical information template 20, 30 that will be placed into defined locations or in a newly generated electronic form. These internal data structure fields may also be used for (but are not limited to): (1) Transcription of handwritten data (either manually or using handwriting recognition software or hardware) to replace the graphic image of handwritten data with transcribed text in the text medical record; or (2) Placing  
15 handwritten or computerized text or diagrams directly into an electronic template of the medical record at defined locations in the electronic template.

Claim 36 further recites:

(g) determining on the network device with the stored electronic patient medical record for the patient encounter represented by the paper forms:

- (i) medical and billing codes;
- (ii) legal compliance for medical treatment provided to the patient during the patient encounter;
- (iii) an appropriateness of care based on the stored patient data and the medical treatment provided during the patient encounter;
- (iv) a physician practice profile by aggregating data for a particular physician; and
- (v) data for use in research studies.

The specification discloses (page 7-8):

The data on the

10    medical information may then be used for multiple purposes including (but not limited to):

1. Coding of and/or billing for evaluation and management codes (E/Ms)
2. Coding of and/or billing for Current Procedural Terminology codes (CPTs)
3. Coding of and/or billing for Health Care Financing Administration Common  
15        Procedural Coding System codes (HCPCS)
4. Coding of and/or billing for other codes for medical services as defined by governmental agencies, medical associations, insurance companies, other payers, or any other entity that creates or defines codes or a system of codes for the purposes of documenting and/or billing medical services or supplies.
- 20    5. Evaluating the medical data for regulatory compliance
6. Evaluating appropriateness of medical care
7. Production of text documents through electronic conversion of data on the paper medical record into a computerized text medical record
8. Evaluating patterns of physician practices
9. Gathering data for medical research
- 5        10. Any other application deemed appropriate for use of this data.

Accordingly, the claimed invention appears to be supported in a single embodiment by the specification as originally filed.



As per all claims dependent thereon, namely claims 2, 4-11, 14, 38-40, support for these claims may also be found on at least page 4-13 of the specification.

Similarly, support for claims 34-35, 37 may also be found on page 4-13.

***Allowable Subject Matter***

Claims 2, 4-11, 14, 34-40 are allowed.

The following is an examiner's statement of reasons for allowance:

As per claim 36, the primary reason for allowance is the inclusion of all the following limitations in the combination as recited, and not found in the closest available prior art of record:

(c) entering patient encounter information from a patient encounter into the plurality of data fields by writing on the paper forms with a writing utensil, thereby creating completed paper forms;

(d) scanning the completed paper forms into the network device;

(e) digitizing the completed paper forms by:

(i) identifying from the network device a plurality of locations of data fields on the completed paper forms; and

(ii) performing optical character recognition on the network device on data created with the writing utensil at each of the plurality of identified locations of the data fields;

The closest available art of record are as follows:

Dart (6529876) teaches (column 11):

The preferred embodiment of the present disclosure is 15  
illustrated in FIGS. 2 through 7 and 9 through 11 where an  
electronic template, depending upon the Patient Encounter  
Category, is chosen at Selection of Template 1050. The  
provider then gathers and inputs data as required. The  
method is outlined as follows: A method for using a com- 20  
puter to facilitate E&M coding by a medical provider of a  
patient encounter comprising: inputting into the computer a  
code selecting an electronic template specific to a type of  
patient encounter; acquiring data prompted by the electronic  
template for the specific type of patient encounter for a 25  
specific patient encounter; inputting into the computer the  
data acquired for the specific type of patient encounter for  
the specific patient encounter; outputting an audit of the  
inputted data acquired for the specific patient encounter;  
inputting into the computer modifying variables for the 30  
specific patient encounter; outputting a Final E&M code.  
The Final E&M code, used for billing purposes will have  
been subjected to realtime audits as the provider acquires  
and inputs required data.

Nonetheless, Dart does not teach scanning a printed paper form containing  
thereon hand-written data, performing OCR on the image, and extracting the data as  
claimed in claim 36.

Newman (A desk supporting computer-based interaction with paper documents,  
mailed 02/03/2009) teaches (page 590):

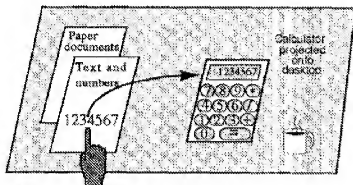


Figure 3. DigitalDesk Calculator

Accordingly, Newman teaches accepting physician input into the computer.

Nonetheless, Newman does not fairly teach or suggest scanning a printed paper form containing thereon hand-written data, performing OCR on the image, and extracting the data as claimed in claim 36.

A search on foreign patents was also performed; however, no relevant art was found.

All claims dependent thereon, namely claims 2, 4-11, 14, 38-40, are also allowed for at least the same rationale above, and incorporated herein.

As per claims 34-35, 37, these claims are also allowed for at least the same rationale above, and incorporated herein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran (Ken) N. Nguyen whose telephone number is 571-270-1310. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:00 pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, C. Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./  
Examiner, Art Unit 3626  
09/24/2009

Application/Control Number: 10/692,976

Page 19

Art Unit: 3626

/C. Luke Gilligan/

Supervisory Patent Examiner, Art Unit 3626